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10/526091

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IN THE UNITED STATES RECEIVING OFFICE

In re Application of: Stefano *et al.*

Conf. No.: 6473

Serial No.: 10/526,091

Art Unit: Unknown

Filed: 06/08/2004

Docket: R1381-200US (SUNY-0003-US)

Title: NITRIC OXIDE AND ITS  
BIOMEDICAL SIGNIFICANCE

Examiner: Unknown

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

This paper is being filed in response to the Notification of Missing Requirements dated July 11, 2005 for the above-referenced application. Enclosed is the fully executed Declaration and Power of Attorney for the above-referenced patent application.

Applicant respectfully submits that the proper filing fee(s) for the above-referenced patent application have already been paid. As noted on the enclosed copy of page 2 of the Transmittal as filed, Applicant is a Small Entity. As reflected on the Transmittal, the Small Entity Applicant paid the appropriate fee of \$400.00 for the additional four (4) independent claims, together with the regular filing fee of \$500.00. A total filing fee of \$900.00 was paid by check number 4048 (copy enclosed) and was included with the patent application.

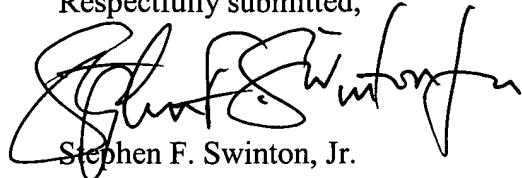
08/23/2005 LLANDGRA 00000034 10526091

01 FC:1617

130.00 OP

Enclosed please find a fully executed Declaration and Power of Attorney, as well as a check in the amount of \$130.00 as payment of the Late Declaration Surcharge. Also enclosed is a copy of the Notice to File Missing Parts. If you require anything further, please contact me at the phone number listed below.

Respectfully submitted,



Dated: August 11, 2005

Stephen F. Swinton, Jr.  
Reg. No. 53,661  
Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, NY 12207  
(518) 449-0044 - Telephone  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,091	George Stefano	R1381-200US

INTERNATIONAL APPLICATION NO.
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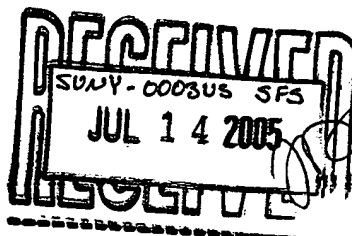
PCT/US03/25966

I.A. FILING DATE	PRIORITY DATE
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08/19/2003

08/23/2002

23550  
 HOFFMAN WARNICK & D'ALESSANDRO, LLC  
 75 STATE STREET  
 14TH FL  
 ALBANY, NY 12207



CONFIRMATION NO. 6473

371 FORMALITIES LETTER



\*OC000000016490255\*

Date Mailed: 07/11/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/23/2005
- Copy of the International Search Report filed on 02/23/2005
- Information Disclosure Statements filed on 02/23/2005
- Oath or Declaration filed on 02/23/2005
- Request for Immediate Examination filed on 02/23/2005
- U.S. Basic National Fees filed on 02/23/2005
- Priority Documents filed on 02/23/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$800** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - the declaration filed on 23 feb 05 is not acceptable because the signatures were signed after the international filing date
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$930** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$ 800**
  - **\$800** for **4** independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

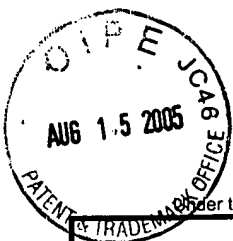
*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,091	PCT/US03/25966	R1381-200US



JC02 Rec'd PCT/P

15 AUG 2005

PCF

PTO/SB/21 (09-04)

Approval for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/526091
	Filing Date	Feb 23, 2005
	First Named Inventor	Stefano, George B.
	Art Unit	Unknown
	Examiner Name	Unknown
Total Number of Pages in This Submission	Attorney Docket Number	R1381-200US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fully Executed Declaration & POA (2 pgs.) Copy of Notification of Missing Requirements (2 pgs.) Copy of Page 2 of Patent Application Transmittal Copy of \$900.00 Check filed with Patent Application Check for \$130.00 for Surcharge Fee Acknowledgment Postcard
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Hoffman, Warnick & D'Alessandro LLC		
Signature			
Printed name	Stephen F. Swinton, Jr.		
Date	August 11, 2005	Reg.	53661

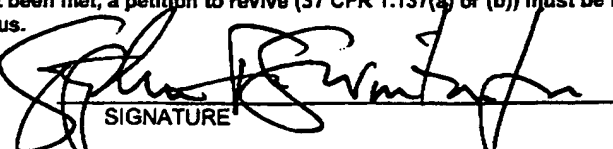
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Christine M. Vlahides	Date	August 11, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2003/25966		ATTORNEY'S DOCKET NUMBER R1381-200US	
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee.....				\$300.00	
<input checked="" type="checkbox"/> b) Examination fee.....				\$500.00	
<input checked="" type="checkbox"/> c) Search fee.....				\$200.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,000.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
47	-100 = 0	/50 = 0	x \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	16 - 20 =	0	X \$50.00	\$0.00	
Independent claims	7 - 3 =	4	X \$200.00	\$800.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,800.00</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$900.00	
<b>SUBTOTAL =</b>				<b>\$900.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				<b>\$900.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$0.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$900.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$900.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500999. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Customer No. 23550 Hoffman, Warnick & D'Alessandro LLC Three E-Comm Square Albany, New York 12207					
 SIGNATURE					
Stephen F. Swinton, Jr.					
NAME					
53661					
REGISTRATION NUMBER					

HOFFMAN, WARNICK & D'ALESSANDRO LLC  
 OPERATING ACCOUNT  
 THREE E-COMM SQUARE  
 ALBANY, NY 12207  
 (518) 449-0044

REMITTANCE ADVICE

4048

PAY Nine hundred & 00/100 DOLLARS CHECK AMOUNT

DATE	PAID TO THE ORDER OF	DESCRIPTION	CHECK NO.	AMOUNT
2/22/05	COMM EX PAY-15	SONY-0003US	4048	\$ 900.00



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*[Handwritten signature]*

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